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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,839	01/09/2001	Robert K. Tendler	TT-115	6881

7590 07/13/2004
Robert K. Tendler
65 Atlantic Avenue
Boston, MA 02110

EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2684

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DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/756,839

Applicant(s)

TENDLER, ROBERT K.

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/03/04 have been fully considered but they are not persuasive.

Applicants argue that UART is not adaptable or programmable as is the claimed compiler. The examiner does not rely for the fact that a UART is programmable; but it is a connection between two devices.

Applicants argue that nowhere in the references is the interposition of a compiler for taking signals in one format and reconfiguring them to a specific phone format shown or taught. However, Janky disclose "the present invention describes interfacing between a GPS device and an add-on module cellular phone, the actual coding of the commands to be transferred over the control bus is different for each type of cellular telephone" (see col.5 lines 31-35). Therefore, it is inherent to have a compiler looking at the entire piece of source code and collecting and reorganizing the instructions. Every high-level programming language comes with a compiler. In effect, the compiler is the language, because it defines which instructions are acceptable to execute the actual coding of the commands as disclose by Janky.

Applicants argue that Jansky reference to control a phone because the keyboard doing the controlling is in the GPS unit. In the claimed invention the keyboard to be controlled is in the phone. Jansky discloses the keyboard to be controlled is in the phone (see col.6 lines 55-57).

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-11 and 13, are rejected under 35 U.S.C. 102(b) as being anticipated by Janky (US Patent 5,786,789).

Regarding claims 1 and 4, Janky discloses a method for the control of an existing wireless phone from an universal output comprising steps of:

interposing a compiler for taking signals in one format and reconfiguring them to a format compatible with the wireless phone, said compiler being between the module

and the phone, the compiler (microprocessors 78, 86 inherently have compile command control between GPS device and mobile device) reconfiguring the output (see col.4 lines 56-57, "suitable format" reads on "reconfiguring the output") of the module to signal which can control the functions of the phone (see col.4 lines 21-24, col.5 lines 10-16, col.7 lines 27-29); and

applying the reconfigured output to the phone, whereby a universal module output is adapted to control the phone without modification of the existing phone (see col.7 lines 27-29) or modification of the module, thus to adapt the module to control any existing phone (see col.4 lines 56-57, see col.5 lines 10-16).

Regarding claims 2 and 5, Janky discloses the exiting phone has a bus structure and wherein the compiler compiles the module output to a format compatible with the bus structure of the phone (see col.4 lines 40-62).

Regarding claim 3, Janky discloses the phone has a keypad, wherein the compiler compiles the module output into switch closure signals and wherein the reconfigured output applying step includes the step of providing the switch closure signals to the individual keys of the keypad to control the phone (see col.7 lines 4-40).

Regarding claims 6 and 11, Jankey discloses said phone has a data port (see col.7 lines 30-40).

Regarding claim 7, Jankey discloses said phone has a keypad with individual keys switches an whrein said circuit includes at least one conductor connected to one side of a key switch, a signal on said conductor effectuating closure of the corresponding key switch, whereby phone control from said module is accomplished

through switch closing of the switches of said keypad, no access to the bus structure of said existing phone being necessary (see col.7 lines 4-40).

Regarding claims 8 and 13, Janky discloses said module includes a GPS receiver (30), wherein said module has an output the location determining by said GPS-receiver and wherein said location output is concerted by said compiler to a predetermined modulation scheme for said phone to permit location reporting form said phone (see col.4 lines 7-20).

Regarding claims 9-10, Janky discloses said modulation scheme includes DTMF tones and whrein said compiler outputs signals to said phone for causing generation of said DTMF tones, said DTMF tones reporting corresponding location as determined by said GPS receiver (see col.4 lines 21-39), "dialing" reads on "DTMF tones".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Janky.

Regarding claim 12, Janky fails to disclose the mobile identification number of said phone. Official notice is taken that the concept of mobile identification number are well known in the art. It would have been obvious each of mobile has identification

Art Unit: 2684

number itself is made by the unique assigned number associated with mobile device in order to communicate with wireless network.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Janky and further in view of Rodal et al. (US Patent 5,594,453).

Regarding claim 14, Janky fails to disclose GPS information includes time-since-last fix.

Rodal et al. disclose GPS information includes time-since-last fix (see col.9 lines 9-15). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jankey with the above teaching of Rodal et al. in order to provide rapid position acquisition of the GPS receiver.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN
7/8/04


NAY MAUNG
SUPERVISORY PATENT EXAMINER